

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EDWARD WILSON and VIRGINIA
WILSON,

Plaintiffs,

v.

KING COUNTY DEPARTMENT OF
ENVIRONMENTAL SERVICES, et al.,

Defendants.

CASE NO. C06-101JLR

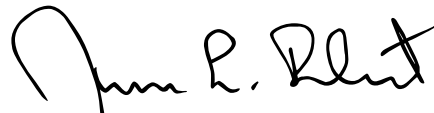
ORDER

The court is in receipt of Plaintiffs' second "Emergency Motion for Preliminary and Permanent Injunction . . ." (Dkt. # 8) which has been served on Defendants. The local rules do not provide for any such "emergency" motion and thus, the court construes Plaintiffs' most recent filing as a motion for preliminary injunctive relief and notes the motion for this court's consideration on March 24, 2006.¹ Defendants' opposition is due no later than Monday, March 20, 2006. Plaintiffs must file their reply no later than the noting date of March 24, 2006. Local Rules W.D. Wash. CR 7(d).

¹The court construed Plaintiffs' first motion as a request for an ex parte temporary restraining order under Fed. R. Civ. P. 65(b) given that Plaintiffs filed their motion without notice to the Defendants.

1 The court has also received Plaintiffs' response to the court's order of January 30,
2 2006 in which the court required Plaintiffs to show cause why the action should not be
3 dismissed on res judicata grounds (Dkt. # 4).² In their submission, Plaintiffs argue that the
4 court should not dismiss their case because the state court ruling was not based "on [the]
5 Merits of Irrefragable [sic] Facts" Pls.' Resp. at 1. Plaintiffs make no further argument
6 other than to attach the dismissal order by Judge Heavey in King County Superior Court, in
7 which he dismissed Plaintiffs' suit on grounds that the court lacked subject matter
8 jurisdiction. As a general matter, a state court's dismissal on jurisdictional grounds – as
9 opposed to a decision on the merits – does not carry preclusive effect over this court's rulings.
10 At least for purposes of the court's show cause order, the court concludes that a sua sponte
11 dismissal of Plaintiffs' claims is not warranted at this time. The parties are free to raise the
12 issue of res judicata in the future.

13 Dated this 8th day of March, 2006.

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15 JAMES L. ROBART
16 United States District Judge

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24 ²The court requested briefing on the doctrine of res judicata after Plaintiffs brought to the
25 court's attention a prior ruling by the King County Superior Court that involved the same claim and
26 the same parties.